

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FRANKIE SUNDANCE LEWIS,
a/k/a FRANK SARGENT,

Petitioner,

V.

EASTERN STATE HOSPITAL
DOCTORS, MRS.
MARCINKOWSKI, MRS.
BORROMEO,

Respondent.

NO. CV-08-110-RHW

ORDER DENYING MOTION FOR RECONSIDERATION

On September 11, 2008, the Court dismissed Plaintiff's Amended Complaint for failure to state a claim upon which relief can be granted (Ct. Rec. 14). Now before the court is Plaintiff's handwritten letter dated October 16, 2008, which has been docketed as a Motion for Reconsideration (Ct. Rec. 15). The Court finds that because this motion was filed more than ten days after the entry of judgment dismissing Plaintiff's Complaint, it is untimely and cannot be considered under Fed. R. Civ. Pro. 59(e). The Court thus construes Plaintiff's motion as a Motion for Relief from a Final Judgment under Fed. R. Civ. Pro. 60(b). The Court finds that the motion reiterates the allegations and arguments advanced in Plaintiff's Amended Complaint, but fails to present any new evidence, identify a change in controlling law, or identify any clear error in this Court's entry of judgment. As such, Petitioner's motion fails to satisfy any of the factors necessary for reconsideration. *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).

ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS * 1

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Petitioner's Motion for Reconsideration (Ct. Rec. 15) is **DENIED**.

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter this

4 Order and forward a copy to Plaintiff..

5 **DATED** this 23rd day of October, 2008.

6 *S/ Robert H. Whaley*

7 ROBERT H. WHALEY
8 Chief United States District Judge

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ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS * 2